

REMARKS

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed February 11, 2008.

Priority

Priority is claimed to Polish patent application No. P.366690 filed March 29, 2004. Certified priority documents are of record (also *vide infra*).

IDS

An Information Disclosure Statement is being filed concurrently herewith together with the requisite fee set forth in 37 CFR 1.17(p). The filing of the information disclosure statement shall not be construed as a representation that a search has been made. 37 CFR 1.97(g). Further, the filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability. 37 CFR 1.97(h).

Claim Rejections – 35 USC § 112

Claims 16 and 17 stand rejected under 35 USC § 112, first paragraph, because the specification allegedly does not reasonably provide enablement for a pharmaceutical composition for anti-neoplastic activity broadly. Although the activity of the compound is stated in the preamble and does not in any way affect the scope of the claim, Applicant has amended claim 16 to refer to the anti-neoplastic activity less broadly. Withdrawal of the rejection is respectfully requested over the claims as amended. The scope of the claim has not been narrowed as a result of this amendment.

Claims 1-14, 16, 17, 21 and 23 stand rejected under 35 USC § 112, second paragraph, as being allegedly indefinite. Applicants submit that the informalities listed by the Examiner should have given rise to an objection and not a rejection under 35 USC § 112, second paragraph. Specifically, with respect to “new,” Applicant submits that the subject matter claimed herein is in fact “new” and that the use of this adjective in no way renders the claim

indefinite. With respect to the phrase “purifying the resulting product is purified by,” a minor linguistic error has been corrected by deleting “is purified.” With respect to a missing period at the end of claim 10, the missing period has been added. With respect to incorrect dependencies of claims 21 and 23, claims 21 and 23 have been corrected to depend on the immediately preceding claims 20 and 22, respectively. Withdrawal of the rejections is respectfully requested over the claims as amended. The scope of the claims has not been narrowed as a result of this amendment.

Claim Rejections – 35 USC § 102

Claims 1-14, 16, 17, and 20-23 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by (a) Pagano et al {Journal of Medicinal Chemistry (2004), 47(25), pages 6239-6247 (“Pagano1”) or (b) Pagano et al {Biochemical and Biophysical Research Communications (2004), 321(4), pages 1040-1044} (“Pagano2”).

Applicant wishes to rely on the priority date of the Polish patent application No. P.366690 filed March 29, 2004 to overcome this rejection. Both Pagano1 and Pagano2 have been published after March 29, 2004. In compliance with 37 CFR 1.55(a)(4), submitted herewith are: an English language translation of the Polish patent application No. P.366690 filed March 29, 2004 and a statement that the translation of the certified copy is accurate. Withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182**.

Customer Number: **33,794**

Respectfully Submitted,

/Matthias Scholl/

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